



Reprinted
February 26, 2002

ENGROSSED SENATE BILL No. 376

DIGEST OF SB 376 (Updated February 25, 2002 5:30 PM - DI 87)

Citations Affected: IC 5-14.

Synopsis: Release of Social Security numbers. Prohibits an agency of the state or a city, town, county, or township from releasing the Social Security number of an individual to the public unless required by state law, federal law, or court order. Provides that a state agency may disclose a Social Security number to a commercial entity that: (1) is qualified by the attorney general; (2) obtains Social Security numbers for certain specified purposes including verifying personal information in commercial transactions, for law enforcement activities and insurance purposes; and (3) submits a written request to the agency. Makes it a Class D felony to knowingly make a false representation to obtain a Social Security number or for an agency employee to knowingly disclose a Social Security number.

Effective: July 1, 2002.

Ford, Clark

(HOUSE SPONSORS — WELCH, YOUNG D, TURNER, GOODIN)

January 10, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 17, 2002, reported favorably — Do Pass.

January 22, 2002, read second time, amended, ordered engrossed.

January 23, 2002, engrossed.

January 28, 2002, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Judiciary.

February 14, 2002, reported — Do Pass.

February 25, 2002, read second time, amended, ordered engrossed.

C
o
p
y

ES 376—LS 7200/DI 87+



Reprinted
February 26, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 376

A BILL FOR AN ACT concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-14-3.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]:

4 Chapter 3.5. Release of Social Security Number by a
5 Governmental Body

6 Sec. 1. As used in this chapter, "governmental body" means an
7 authority, a board, a branch, a commission, a committee, a
8 department, a division, or another instrumentality of the following:

9 (1) The executive, including the administrative, department of
10 state government. Except as provided in clause (D), the term
11 does not include the judicial department of state government
12 or the legislative department of state government. The term
13 includes the following:

14 (A) A state elected official's office.
15 (B) A state educational institution (as defined in
16 IC 20-12-0.5-1).
17 (C) A body corporate and politic of the state created by

ES 376—LS 7200/DI 87+



state statute.

(D) The Indiana lobby registration commission established under IC 2-7-1.6-1.

(2) A city, town, county, or township.

Sec. 2. A governmental body may not disclose the Social Security number of an individual unless:

(1) the disclosure of the Social Security number is expressly required by state law, federal law, or a court order; or

(2) the individual expressly consents in writing to the disclosure of the individual's Social Security number.

Sec. 3. (a) This section applies if a record is a public record under:

(1) state law; or

(2) the policy of a governmental body, if the governmental body has the discretion under state law to make a record of the governmental body a public record or confidential record.

(b) If state law or the policy of a governmental body:

(1) provides that a record of a governmental body is a public record; and

(2) does not expressly provide that a Social Security number contained in the record is confidential;

the record may be disclosed to the public, but the Social Security number may not be disclosed to the public.

(c) Notwithstanding subsection (b), a Social Security number contained in a record of a governmental body must be disclosed if a court order or federal law requires disclosure of the Social Security number.

Sec. 4. Notwithstanding section 2 of this chapter, unless prohibited by another state statute, a governmental body may disclose the Social Security number of an individual to any governmental body.

Sec. 5. If a governmental body receives a document from another governmental body that contains a Social Security number that may not be disclosed as set forth in this chapter, the governmental body may not disclose the Social Security number.

Sec. 6. Notwithstanding any other state statute, a state agency shall disclose an individual's Social Security number to:

(1) an agency of federal, state, or local government; and

(2) a commercial entity that:

(A) is qualified by the attorney general; and

(B) makes a written request for the disclosure of information;

C
o
p
y



as set forth in this chapter.

Sec. 7. A commercial entity that applies for qualification with the attorney general shall use the form prescribed by the attorney general. An applicant must verify the application for qualification.

Sec. 8. The application for qualification must include the following information:

- (1) Name of the commercial entity.
- (2) The officers of the commercial entity.
- (3) Information regarding any contractor or subcontractor of the commercial entity that will have access to the Social Security numbers obtained by the commercial entity, including whether any person with access to the information is confined in a correctional facility.
- (4) A statement of the activities of the commercial entity for which disclosure of the information is necessary.

Sec. 9. (a) A commercial entity shall be qualified by the attorney general under this chapter if the commercial entity, its agents, employees, contractors, or subcontractors are engaged in the performance of a commercial activity that obtains information, including Social Security numbers, from a state agency for any of the following legitimate business or professional uses:

- (1) Verification of the accuracy of personal information submitted in a commercial transaction.
- (2) Use in a civil, criminal, or administrative proceeding.
- (3) Use in law enforcement activities or the investigation of crimes.
- (4) An insurance purpose.
- (5) Detecting or preventing fraud.
- (6) The matching, verification, or retrieval of information.
- (7) Research activities.

(b) A legitimate business or professional use does not include the disclosure or bulk sale of Social Security numbers to members of the general public.

Sec. 10. The attorney general shall approve or deny an application for qualification not later than thirty (30) days after receiving the application. During the thirty (30) day approval review period, the attorney general may investigate the applicant to determine whether the applicant satisfies the requirements of this chapter.

Sec. 11. (a) The attorney general may deny the application or revoke the qualification of a commercial entity for:

- (1) failing to complete the application as set forth in section 8



C
o
p
y

of this chapter;

(2) failing to meet the requirements set forth in section 9 of this chapter;

(3) using an individual's Social Security number obtained under this chapter from a state agency in an unlawful or fraudulent manner; or

(4) disclosing or selling an individual's Social Security number to members of the general public.

(b) The attorney general may not revoke or deny the qualification of a commercial entity until:

(1) the commercial entity is notified in writing by the attorney general of the grounds of the proposed denial or revocation; and

(2) the commercial entity is provided with an opportunity to be heard on the proposed denial or revocation.

Sec. 12. The attorney general may require a qualified commercial entity to renew its qualification with the attorney general's office, but not more than every two (2) years.

Sec. 13. (a) A state agency shall disclose a Social Security number to a commercial entity that is qualified under this chapter if the commercial entity completes a written request for the information on a form reasonably prescribed by the attorney general.

(b) A written request to a state agency must include a statement, verified by an authorized officer, employee, or agent of the commercial entity that the Social Security numbers will be used only in the normal course of business for a legitimate business or professional use as set forth in section 9 of this chapter.

(c) Nothing in this chapter shall prohibit the disclosure of Social Security numbers to a business or professional entity that is:

(1) qualified under this chapter; and

(2) engaged in a legitimate business or professional purpose as set forth in section 9 of this chapter.

A state agency may request other information that may be reasonably necessary to verify the identity of the entity requesting the Social Security numbers.

Sec. 14. This chapter does not prevent the reporting of Social Security numbers to or from a consumer reporting agency (as defined in 15 U.S.C. 1681a) or to a debt collector (as defined in 15 U.S.C. 1692a).

Sec. 15. A person who knowingly makes a false representation to the attorney general or a state agency in order to obtain a Social

C
o
p
y



1 Security number from the state agency commits a Class D felony.

2 Sec. 16. An employee of a state agency who knowingly discloses
3 a Social Security number in violation of this chapter commits a
4 Class D felony.

5 Sec. 17. A trial court shall report all convictions under this
6 chapter to the attorney general. If an employee, an agent, or a
7 contractor of a commercial entity that is qualified under this
8 chapter is convicted of an offense under this chapter for actions
9 taken during the course of their employment, agency, or contract,
10 the attorney general may revoke the qualification of the
11 commercial entity for a period of not more than two (2) years.

12 Sec. 18. Not later than January 31, a state agency must file a
13 report with the secretary of state and the executive director of the
14 legislative services agency that includes:

15 (1) a listing of all commercial entities that:

16 (A) are qualified under this chapter; and

17 (B) have requested Social Security numbers during the
18 preceding calendar year; and

19 (2) the purpose or purposes stated by each listed commercial
20 entity for its need for receiving Social Security numbers.

21 Sec. 19. The attorney general may adopt rules under IC 4-22-2
22 that the attorney general considers necessary to carry out this
23 chapter.

C
o
p
y



SENATE MOTION

Mr. President: I move that Senator Clark be added as second author of Senate Bill 376.

FORD

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 376 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 7, Nays 0.

C
o
p
y



SENATE MOTION

Mr. President: I move that Senate Bill 376 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new line block indented and insert:

"(4) The Indiana lobby registration commission established under IC 2-7-1.6-1."

Page 1, line 15, delete "judicial or legislative" and insert "**following:**

(1) The judicial department of state government.

(2) Except as provided in subsection (b)(4), the legislative department of state government."

Page 1, delete line 16.

(Reference is to SB 376 as printed January 18, 2002.)

FORD

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 376, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 9, nays 0.

C
o
p
y

ES 376—LS 7200/DI 87+



HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 376 be amended to read as follows:

Page 2, line 30, after "document" insert **"from another state agency"**.

Page 4, after line 33, begin a new paragraph and insert:

"Sec. 6. Notwithstanding any other state statute, a state agency shall disclose an individual's Social Security number to:

- (1) an agency of federal, state, or local government; and**
- (2) a commercial entity that:**
 - (A) is qualified by the attorney general; and**
 - (B) makes a written request for the disclosure of information;**

as set forth in this chapter.

Sec. 7. A commercial entity that applies for qualification with the attorney general shall use the form prescribed by the attorney general. An applicant must verify the application for qualification.

Sec. 8. The application for qualification must include the following information:

- (1) Name of the commercial entity.**
- (2) The officers of the commercial entity.**
- (3) Information regarding any contractor or subcontractor of the commercial entity that will have access to the Social Security numbers obtained by the commercial entity, including whether any person with access to the information is confined in a correctional facility.**
- (4) A statement of the activities of the commercial entity for which disclosure of the information is necessary.**

Sec. 9. (a) A commercial entity shall be qualified by the attorney general under this chapter if the commercial entity, its agents, employees, contractors, or subcontractors are engaged in the performance of a commercial activity that obtains information, including Social Security numbers, from a state agency for any of the following legitimate business or professional uses:

- (1) Verification of the accuracy of personal information submitted in a commercial transaction.**
- (2) Use in a civil, criminal, or administrative proceeding.**
- (3) Use in law enforcement activities or the investigation of crimes.**
- (4) An insurance purpose.**
- (5) Detecting or preventing fraud.**
- (6) The matching, verification, or retrieval of information.**



C
O
P
Y

(7) Research activities.

(b) A legitimate business or professional use does not include the disclosure or bulk sale of Social Security numbers to members of the general public.

Sec. 10. The attorney general shall approve or deny an application for qualification not later than thirty (30) days after receiving the application. During the thirty (30) day approval review period, the attorney general may investigate the applicant to determine whether the applicant satisfies the requirements of this chapter.

Sec. 11. (a) The attorney general may deny the application or revoke the qualification of a commercial entity for:

- (1) failing to complete the application as set forth in section 8 of this chapter;**
- (2) failing to meet the requirements set forth in section 9 of this chapter;**
- (3) using an individual's Social Security number obtained under this chapter from a state agency in an unlawful or fraudulent manner; or**
- (4) disclosing or selling an individual's Social Security number to members of the general public.**

(b) The attorney general may not revoke or deny the qualification of a commercial entity until:

- (1) the commercial entity is notified in writing by the attorney general of the grounds of the proposed denial or revocation; and**
- (2) the commercial entity is provided with an opportunity to be heard on the proposed denial or revocation.**

Sec. 12. The attorney general may require a qualified commercial entity to renew its qualification with the attorney general's office, but not more than every two (2) years.

Sec. 13. (a) A state agency shall disclose a Social Security number to a commercial entity that is qualified under this chapter if the commercial entity completes a written request for the information on a form reasonably prescribed by the attorney general.

(b) A written request to a state agency must include a statement, verified by an authorized officer, employee, or agent of the commercial entity that the Social Security numbers will be used only in the normal course of business for a legitimate business or professional use as set forth in section 9 of this chapter.

(c) Nothing in this chapter shall prohibit the disclosure of Social

C
o
p
y



Security numbers to a business or professional entity that is:

- (1) qualified under this chapter; and
- (2) engaged in a legitimate business or professional purpose as set forth in section 9 of this chapter.

A state agency may request other information that may be reasonably necessary to verify the identity of the entity requesting the Social Security numbers.

Sec. 14. This chapter does not prevent the reporting of Social Security numbers to or from a consumer reporting agency (as defined in 15 U.S.C. 1681a) or to a debt collector (as defined in 15 U.S.C. 1692a).

Sec. 15. A person who knowingly makes a false representation to the attorney general or a state agency in order to obtain a Social Security number from the state agency commits a Class D felony.

Sec. 16. An employee of a state agency who knowingly discloses a Social Security number in violation of this chapter commits a Class D felony.

Sec. 17. A trial court shall report all convictions under this chapter to the attorney general. If an employee, an agent, or a contractor of a commercial entity that is qualified under this chapter is convicted of an offense under this chapter for actions taken during the course of their employment, agency, or contract, the attorney general may revoke the qualification of the commercial entity for a period of not more than two (2) years.

Sec. 18. Not later than January 31, a state agency must file a report with the secretary of state and the executive director of the legislative services agency that includes:

- (1) a listing of all commercial entities that:
 - (A) are qualified under this chapter; and
 - (B) have requested Social Security numbers during the preceding calendar year; and
- (2) the purpose or purposes stated by each listed commercial entity for its need for receiving Social Security numbers.

Sec. 19. The attorney general may adopt rules under IC 4-22-2 that the attorney general considers necessary to carry out this chapter."

(Reference is to ESB 376 as printed February 15, 2002.)

WELCH

C
o
p
y



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 376 be amended to read as follows:

Delete the title and insert the following:

"A BILL FOR AN ACT concerning state and local administration."

Page 1, line 1, delete "IC 4-1-9" and insert "IC 5-14-3.5".

Page 1, line 4, delete "9." and insert "3.5".

Page 1, line 4, delete "State Agency" and insert "**Governmental Body**".

Page 1, delete lines 5 through 17, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "governmental body" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the following:

(1) The executive, including the administrative, department of state government. Except as provided in clause (D), the term does not include the judicial department of state government or the legislative department of state government. The term includes the following:

(A) A state elected official's office.

(B) A state educational institution (as defined in IC 20-12-0.5-1).

(C) A body corporate and politic of the state created by state statute.

(D) The Indiana lobby registration commission established under IC 2-7-1.6-1.

(2) A city, town, county, or township."

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "state agency" and insert "**governmental body**".

Page 2, line 13, delete "state agency," and insert "**governmental body,**".

Page 2, line 13, after "if the" delete "agency" and insert "**governmental body**".

Page 2, line 14, delete "public agency" and insert "**governmental body**".

Page 2, line 16, delete "state agency" and insert "**governmental body**".

Page 2, line 17, delete "state agency" and insert "**governmental body**".

Page 2, line 24, delete "state agency" and insert "**governmental body**".

Page 2, line 27, delete "Unless" and insert "**Notwithstanding**

ES 376—LS 7200/DI 87+



C
o
p
y

section 2 of this chapter, unless".

Page 2, line 27, delete "state agency" and insert "**governmental body**".

Page 2, line 28, after "any" insert "**governmental body.**".

Page 2, delete line 29.

Page 2, line 30, delete "state agency" and insert "**governmental body**".

Page 2, line 30, after "document" insert "**from another governmental body**".

Page 2, line 32, delete "state agency" and insert "**governmental body**".

(Reference is to ESB 376 as printed February 15, 2002.)

ADAMS T

C
o
p
y

